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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,853	09/12/2003	Stephen D. Pacetti	50623.331	2165
7590 04/10/2008				
Paul J. Meyer, Jr. Squire, Sanders & Dempsey L.L.P. Suite 300 1 Maritime Plaza San Francisco, CA 94111				
EXAMINER				
SELLMAN, CACHET I				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
04/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/660,853

Applicant(s)

PACETTI ET AL.

Examiner

CACHET I. SELLMAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-23, 25-63 and 65-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-23, 25-63 AND 65-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/888)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgement is made of the amendment filed by the applicant on 1/11/2008, in which claims 65-70 were amended and claim s81-84 were added. Claims 18-23, 25-63, and 65-84 are currently pending in U.S. Application Serial No. 10/660,853.

Response to Arguments

1. Applicant's arguments, see pgs 12-19, filed 1/11/2008, with respect to the rejection(s) of claim(s) 27-28, 64-65 and 70-72 under 35 USC 102(e) and 18, 20-23, 25-26, 29-42, 44-45, 49-53, 55-58 and 76-80 under USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-23, 25-39, 46-63, and 65-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Villareal (US 6605154) in view of Mino et al. (US 2003/0104129).

Villareal discloses a process and device for coating a stent. The stent is positioned on a mounting device (see Figure 3); and a coating composition is applied thereto (see col. 2, lines 56-57). The mounting assembly has a first member in contact with a first end of the stent (see 30 and 42 of Fig. 3) and a second member in contact with a second end (see 36 and 42 of Fig. 3).

Villareal fails to teach that a section of the mounting assembly includes a porous surface as required by claim 18. However, Villareal teaches the importance of minimize coating defects which are caused by interface between stents and the apparatus supporting the stents (see col. 2, lines 1-3). It was well known in the coating art at the time the invention was made to provide a coating device (i.e. mounting device) which is formed of a material which can be become impregnated with a coating solution, thereby absorbing excess coating solution as taught by Mino et al. (US 2003/0104129). Mino et al. teaches that the device can be formed of a porous material (see 0035).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mounting device of Villareal to include an absorbing portion made of a porous material especially where the stent ends come in contact with the coning end portions in order to absorb any excess coating which would prevent the sticking or an interface occurring between the stent and the mounting device minimizing any coating defects which is desired as taught by Villareal.

Villareal teaches partially expanding the stent prior to applying the composition (see col. 2, lines 54-56) as required by **claim 18**. The coating composition comprises a solvent and a polymer and optionally an active agent (see col. 5, line 21 - col. 6, line 44)

as required by **claim 20**. Villareal teaches that translational or rotational motion can be provided during the coating process (see col. 2, lines 56-58) as required by **claims 21 and 22**. The coating is applied by spraying (see col. 2, line 56) as required by **claim 23**. The mounting assembly comprises a third member (22 of Fig. 3) which secures the first and second members as required by **claim 25**. As shown in Fig 3 and col. 3, lines 35-38, the mandrel does not come in contact with the inner surface of the stent as required by **claim 26**.

Villareal modified by Mino et al. discloses the limitations of **claim 27** as shown above. Furthermore, Mino et al. teaches that the porous material becomes impregnated with the coating material which would inherently mean that the pores have an open end to allow the coating to penetrate into the material as well as a closed end for the material to retain the coating material.

Villareal in view of Mino et al. teaches all of the limitations of **claims 29-39** as shown above.

In regards to claims 40-41,

It is well known in the art that mounting devices are made of metallic materials such as those listed in the claims.

The ends of the members are tapered ends and penetrate partially in the first and second ends of the stent (see Fig.3) as required by **claim 46**. The device comprises a third member securing the first and second members (see Fig. 3) and the outer surface of the third member does not contact the inner surface of the stent as required by **claims 47 and 48**. The coating composition comprises a polymer and solvent as

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required by **claim 49**. The stent can be rotated or have translational movement as required by **claims 50-51**. The coating is sprayed onto the stent as required by **claim 52**.

Villareal in view of Mino et al. teach the limitations of **claims 53, 55-63, and 65-84** as shown above.

The length can be adjusted to accommodate different sizes of stents by screwing the mandrel deeper into the first end or second member (see col. 3, lines 19-33) as required by **claim 54**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CACHET I. SELLMAN whose telephone number is (571)272-0691. The examiner can normally be reached on Monday through Friday, 7:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cachet I Sellman/
Examiner
Art Unit 1792

/C. I. S./
Examiner, Art Unit 1792

/William Phillip Fletcher III/
for Timothy H. Meeks, SPE of Art Unit 1792/1700